

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

OHIO NATIONAL LIFE
ASSURANCE CORPORATION,

Plaintiff,

v.

BERT T. DUNKEN *and* PATRICK
S. WELLNITZ,

Defendants.

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Civil Action No. H-11-1772

ORDER

Pending before the Court is Defendants Bert T. Dunken and Patrick S. Wellnitz's Joint Motion to Dismiss Pursuant to Rules 12(B)(7) and 19 (Document No. 9). Having considered the motion, submissions, and applicable law, the Court determines the motion should be denied. Accordingly, the Court hereby

ORDERS that Defendants Bert T. Dunken and Patrick S. Wellnitz's Joint Motion to Dismiss Pursuant to Rules 12(B)(7) and 19 (Document No. 9) is DENIED.

SIGNED at Houston, Texas, on this 24 day of October, 2011.



DAVID HITTNER
United States District Judge